

IN THE CIRCUIT COURT OF TIPPAAH COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO. TK2017-163

JAMES ALLEN HUGHEY

DEFENDANT

TRANSCRIPT OF THE PROCEEDINGS HAD AND DONE IN THE
ABOVE-STYLED AND NUMBERED CAUSE, BEFORE THE
HONORABLE GRADY F. TOLLISON, CIRCUIT JUDGE, ON THE 26TH
DAY OF SEPTEMBER, 2023.

APPEARANCES:

Present and Representing the Plaintiff:

HON. MASON WAGES
HON. THAD MUELLER
ASSISTANT DISTRICT ATTORNEY
102 NORTH CAMP AVENUE
NEW ALBANY, MISSISSIPPI 38652

Present and Representing the Defendant:

HON. JAMES D. WAIDE
WAIDE & ASSOCIATES
POST OFFICE BOX 1357
TUPELO, MISSISSIPPI 38802

HON. TYLER L. MOSS
MOSS LAW FIRM, PLLC
POST OFFICE BOX 2279
CORINTH, MISSISSIPPI 38835

Kathy C. Bruce, Official Court Reporter, BCR, CCR #1168

P. O. Box 888, Ripley, MS 38663 (662)587-1380

EXHIBIT "A" - HUGHEY PLEA HEARING TRANSCRIPT

1 (THE CIRCUIT COURT OF TIPPAAH COUNTY,
2 MISSISSIPPI, WAS DULY AND LEGALLY CONVENED ON SEPTEMBER
3 26, 2023, AT 9:00 A.M. THE FOLLOWING PROCEEDING TOOK
4 PLACE IN THIS MATTER, BEGINNING IN THE COURT'S
5 CHAMBERS:)

6 **THE COURT:** All right. We'll call up the
7 case of *State of Mississippi v. James Allen*
8 *Hughey*. This is Tippah County Cause No.
9 TK2017-163. Are you James Allen Hughey?

10 **DEFENDANT HUGHEY:** Yes, sir.

11 **THE COURT:** All right. If you will, let's
12 have you sworn in for this record. Just raise
13 your right hand and the court reporter will
14 swear you in.

15 (DEFENDANT SWORN)

16 **THE COURT:** Okay. Also, we did have a
17 mental evaluation. I'm going to yield to the
18 State on that.

19 **MR. WAGES:** Yes, Your Honor. The State
20 filed a motion for a mental evaluation, which
21 was performed by the State Hospital. The State
22 Hospital then tendered a report that has been
23 filed with the Court under seal. The State
24 would proffer that the State Hospital found
25 Mr. Hughey to be competent to stand trial and

1 that he could aid and assist his attorney in
2 his defense.

3 I believe after speaking with defense
4 counsel, they're willing to stipulate to that
5 report.

6 **MR. WAIDE:** We are, Your Honor.

7 **THE COURT:** Okay. This is a report that
8 was dated August 14th, 2023, pursuant to the
9 Rules of Criminal Procedure. Under Rule 12.5,
10 the Court finds that the Defendant is competent
11 to stand trial and incorporate the findings of
12 the Mississippi State Hospital performed by R.
13 McMichael MD and Kathryn Olson, Psy.D.

14 **MR. WAGES:** Yes, sir.

15 **MR. WAIDE:** Yes, sir.

16 **THE COURT:** All right. We'll move
17 forward. Mr. Hughey, the Defendant has filed a
18 petition to plead guilty to an indictment that
19 charges the Defendant of burglary of a
20 residential dwelling; is that correct? And
21 you're filing this petition consistent with
22 that indictment to plead guilty to burglary of
23 a dwelling; is that correct?

24 **DEFENDANT HUGHEY:** (Nodding head up and
25 down.)

1 **MR. WAIDE:** Say yes, sir.

2 **DEFENDANT HUGHEY:** Yes, sir.

3 **THE COURT:** Okay. I'm going to ask you
4 some questions today about this petition you
5 filed that I have -- the petition, I'm holding
6 on to that -- regarding rights you have and
7 what rights you'll be waiving or giving up by
8 pleading guilty.

9 I want to make sure that during this
10 process if at any time you have any questions
11 about what we're doing, any words I'm using or
12 do not understand something, please stop me and
13 let me know. I want to answer any questions
14 and resolve any problems that you may have
15 about this process. You may also consult with
16 your attorney at any time either in front of me
17 or in private. All you need to do is say I
18 need to talk to my attorney, okay?

19 **DEFENDANT HUGHEY:** (Nodding head up and
20 down.)

21 **THE COURT:** You understand that?

22 **DEFENDANT HUGHEY:** (Nodding head up and
23 down.)

24 **THE COURT:** I need a verbal yes or no.

25 **DEFENDANT HUGHEY:** Yes.

1 **THE COURT:** Okay. I want to make sure you
2 understand what you are doing by pleading
3 guilty and that you have voluntarily plead
4 guilty today. I do not want you to plead
5 guilty unless I'm satisfied and convinced you
6 understand the charge against you and
7 understand the rights you're giving up by
8 pleading guilty. I want you to further
9 understand the consequences of pleading guilty.

10 If for some reason I did not accept your
11 plea of guilty today and we later went to trial
12 on this matter, any statements or admissions
13 you might make today could not be used against
14 you at trial.

15 The court reporter is taking down
16 everything that we say today. So please be
17 sure to speak loud and clear after I ask you a
18 question so the court reporter can hear and
19 understand what you are saying. Do you
20 understand?

21 **DEFENDANT HUGHEY:** (Nods head up and down.)
22 Yes, sir.

23 **THE COURT:** Okay. Thank you. Mr. Hughey,
24 on the last --

25 **MR. WAIDE:** Your Honor, if the Court

1 please, could we have it reflect in the record
2 that both his attorney and his conservator are
3 present here with him?

4 **THE COURT:** Yes.

5 **MR. WAIDE:** And that I have advised him to
6 enter this guilty plea in his best interest,
7 and the district attorney has agreed to accept
8 it under the Alford decision. And his
9 conservator has also advised him to enter this
10 plea as being in his best interest, under the
11 Alford decision.

12 **THE COURT:** This is Alford, okay.

13 **MR. WAIDE:** Yes, sir.

14 **THE COURT:** Okay. Well, we'll go through
15 a litany of questions which I'll ask and you're
16 familiar with.

17 **MR. WAIDE:** Yes, sir. All right, sir.

18 **THE COURT:** So we'll get to that at a
19 point when we ask for a recitation of facts.

20 **MR. WAIDE:** All right, sir.

21 **THE COURT:** Okay. Mr. Hughey, on the last
22 page of your petition, there is a signature
23 midway down the page that purports to be your
24 signature. Did you sign this petition?

25 **DEFENDANT HUGHEY:** Uh-huh.

1 **THE COURT:** I need you to speak yes or no.

2 **DEFENDANT HUGHEY:** Yes.

3 **THE COURT:** Okay. Great. And before you
4 signed the petition, did you go over the
5 contents of the petition with your attorney?

6 **DEFENDANT HUGHEY:** Yes.

7 **THE COURT:** And did your attorney explain
8 the contents of the petition to you and explain
9 it to you in a way that you understood the
10 petition?

11 **DEFENDANT HUGHEY:** Yes.

12 **THE COURT:** Did your attorney explain to
13 you what rights you have that you may be giving
14 up or waiving by pleading guilty today?

15 **DEFENDANT HUGHEY:** Yeah.

16 **THE COURT:** Did your attorney answer any
17 questions that you had about the petition?

18 **DEFENDANT HUGHEY:** Yes.

19 **MR. WAIDE:** Excuse me. Your Honor, for
20 the record, he didn't ask any questions.

21 **THE COURT:** Okay. Did your attorney
22 explain everything about the facts and
23 circumstances that gave rise to this charge
24 being brought against you?

25 **DEFENDANT HUGHEY:** I didn't understand

1 you.

2 **THE COURT:** Did your attorney explain to
3 you about the facts of this case and why these
4 charges were brought against you, this charge?

5 **DEFENDANT HUGHEY:** Yes.

6 **THE COURT:** And did you tell your attorney
7 everything about the facts relating to this
8 charge?

9 **DEFENDANT HUGHEY:** Yes.

10 **THE COURT:** Okay. In other words, you
11 haven't withheld any facts about this case from
12 your attorney?

13 **DEFENDANT HUGHEY:** Nuh-uh, nothing
14 whatsoever.

15 **THE COURT:** Okay.

16 **MR. WAIDE:** Your Honor, let the record
17 reflect he's told me exactly what he thinks
18 happened that day. He's told me that.

19 **THE COURT:** Okay. He answered that.
20 Thank you. Are you fully satisfied with the
21 services and representations of your attorney?

22 **DEFENDANT HUGHEY:** Yes.

23 **THE COURT:** Do you believe your attorney
24 has properly advised you on your guilty plea?

25 **DEFENDANT HUGHEY:** (No verbal response.)

1 **MR. WAIDE:** Excuse me. His question is do
2 you think that the attorney, that I have
3 properly advised you? I've told you, given you
4 proper advice; do you feel like I've properly
5 advised you?

6 **DEFENDANT HUGHEY:** Yes.

7 **THE COURT:** Okay. And do you believe your
8 attorney has properly represented you in this
9 case?

10 **DEFENDANT HUGHEY:** Yes.

11 **THE COURT:** All right. I want to make
12 sure you understand you have the right to plead
13 not guilty to any crime you've been charged
14 with. No one can force you to plead guilty.

15 If you plead not guilty, you have a right
16 to a speedy public trial before a jury of 12
17 people from Tippah County. That jury would
18 decide whether you are guilty or not guilty.

19 Additionally, the State of Mississippi,
20 who is represented by the district attorney's
21 office in this matter, has the burden of
22 proving you're guilty beyond a reasonable
23 doubt. It is never your burden to prove
24 yourself innocent. You have the presumption of
25 innocence.

1 If the Court accepts your guilty plea
2 today, you will give up or waive these rights.
3 Do you understand you're giving up these
4 rights?

5 **DEFENDANT HUGHEY:** Yes, sir.

6 **THE COURT:** And if you decided that you
7 wanted to go to trial, not only would the State
8 have to prove beyond a reasonable doubt that
9 you are guilty of the crime you've been charged
10 with but it would also be necessary that all 12
11 jurors vote guilty for you to be convicted of
12 the crime you've been charged with. If any one
13 or more of those jurors refuses to vote to find
14 you guilty then that particular jury cannot
15 convict you. But if you were found guilty by a
16 jury and convicted, you would have a right to
17 appeal that conviction to a higher court.

18 If you cannot afford to hire an attorney
19 to represent you in that appeal, then this
20 Court would appoint an attorney to represent
21 you at no cost to you. But if this Court
22 accepts your guilty plea today, except for some
23 very limited circumstances, you waive or give
24 up your right to an appeal. Do you understand
25 you're giving up these rights?

1 **DEFENDANT HUGHEY:** (Nods head up and
2 down.)

3 **MR. WAIDE:** Yes, sir.

4 **DEFENDANT HUGHEY:** Yes, sir.

5 **THE COURT:** If you decided that you wanted
6 to go to trial, you have the right to the aid
7 and assistance of an attorney. You have a very
8 capable attorney representing you and I have no
9 reason to expect you to be unhappy with their
10 services. If, however, you were unhappy with
11 your attorney and wanted to fire them but you
12 couldn't afford to hire another attorney to
13 represent you, all you would have to do is
14 demonstrate to this Court that you can't afford
15 an attorney and the Court would appoint an
16 attorney to represent you at no cost to you.
17 If you decided that you wanted to go to trial,
18 your attorney could assist you in a number of
19 ways. There are procedural rights that you
20 would have or that might come into play if you
21 went to trial. Your attorney would meet with
22 you before the trial and help you prepare your
23 case for trial. Your attorney would attend any
24 court hearings along with you that might be
25 held in connection with your case before trial.

1 Your attorney would also sit with you during
2 your trial and provide you advice and counsel
3 during the trial process. Among other things,
4 you and your attorney would be able to
5 cross-examine witnesses who would come to trial
6 and testify against you if it was appropriate
7 for you to cross-examine them. You could also
8 examine any witnesses that you wanted to bring
9 to your trial to testify for you. If you had
10 witnesses that you wanted at your trial but
11 they didn't want to voluntarily appear at court
12 for the trial, the Court would issue subpoenas
13 at your request and these subpoenas would force
14 or compel the attendance of those witnesses at
15 trial.

16 Finally, you have a right to testify at
17 your trial. You also have the right to remain
18 silent and not testify at your trial as to any
19 charges brought against you. But if the Court
20 accepts your guilty plea today, you will give
21 up or waive these rights. Do you understand
22 you're giving up these rights?

23 **DEFENDANT HUGHEY:** Yes, sir.

24 **CONSERVATOR, MS. HUGHEY:** Yes, sir.

25 **THE COURT:** All right. Do you understand

1 that by pleading guilty to the crime listed in
2 your petition you're admitting that you're
3 guilty of the crime listed in your petition
4 pursuant to the case of *Alford v. North*
5 *Carolina*?

6 **DEFENDANT HUGHEY:** Yes.

7 **THE COURT:** All right. Now, Mr. Wages,
8 what's the factual basis to -- excuse me. Let
9 me go back to my -- this is an *Alford v. North*
10 *Carolina* plea. Mr. Waide, I want to ask you if
11 you've explained the discovery from the State
12 that has been provided to the Defendant.

13 **MR. WAIDE:** All right. If the Court
14 please, this case consisted basically of
15 medical records and all that. And to the
16 extent that he has medical knowledge, he's gone
17 over all of those medical records.

18 **THE COURT:** Okay.

19 **MR. WAIDE:** So, yes, sir. We've seen the
20 discovery by the State and he knows what the
21 State's statements say.

22 **THE COURT:** All right. Mr. Wages, if you
23 would give a statement of the underlying facts
24 which the State would be able to prove beyond a
25 reasonable doubt.

1 **MR. WAGES:** Yes, sir, Your Honor. The
2 State would show that on or about the 7th day
3 of June 2017, here in Tippah County at 2661
4 Highway 4 West, which is located here in Tippah
5 County, the home of Amanda Mason, the victim in
6 this case, at that time she entered her home,
7 was tending to her ailing stepfather. She
8 heard dogs barking and she went to investigate
9 the cause of the dogs barking and that's when
10 she noticed the Defendant, James Allen Hughey,
11 standing in her bedroom. She panicked, shoved
12 him out of the house, called 911 and also
13 called her ex-husband, Tommy Mason, who arrived
14 at the scene and found Mr. Hughey on the
15 property and detained him.

16 **THE COURT:** All right. Thank you,
17 Mr. Wages.

18 Mr. Waide, do you and your client, the
19 Defendant, agree substantially to these facts
20 and statements just given that the State will
21 be able to prove these facts?

22 **MR. WAIDE:** Yes, Your Honor. The State
23 could show those particular facts that counsel
24 just suggested.

25 **THE COURT:** Mr. Hughey, do you agree?

1 **DEFENDANT HUGHEY:** (No verbal response.)

2 **THE COURT:** Do you agree?

3 **DEFENDANT HUGHEY:** Yes.

4 **THE COURT:** And do you feel that if this
5 case went to trial it is highly probable that a
6 jury will return a verdict of guilty? Do you
7 agree, Mr. Waide?

8 **MR. WAIDE:** Your Honor, here's what I
9 would say. We certainly think that a finding
10 of guilty is a distinct possibility. It's a
11 very likely possibility.

12 **THE COURT:** Okay.

13 **MR. WAIDE:** And he has a minimum
14 three-year sentence to the extent that he
15 cannot afford to take any chance whatsoever.
16 And a finding of guilty, once a jury learns
17 he's in somebody else's home and he has no
18 legal excuse for being there, the returning of
19 a guilty verdict is highly likely. And given
20 his physical condition, he could not live or
21 survive in prison. So it is in his best
22 interest to enter a guilty plea regardless of
23 whether a jury would actually -- nobody knows
24 how this jury would rule.

25 **THE COURT:** Okay.

1 **MR. WAIDE:** And for that reason, it's in
2 his best interest to plead guilty.

3 **THE COURT:** All right. And do you agree,
4 Mr. Hughey?

5 **DEFENDANT HUGHEY:** Yes.

6 **THE COURT:** All right. And does the D.A.
7 agree it's highly probable?

8 **MR. WAGES:** Absolutely.

9 **THE COURT:** Mr. Hughey, I've been advised
10 by your attorney that you are requesting the
11 Court to allow you to enter what's called an
12 Alford plea and under the authority of the case
13 of *Alford v. North Carolina*, United States
14 Supreme Court case. Did your attorney explain
15 an Alford plea to you and its purpose?

16 **DEFENDANT HUGHEY:** Yeah.

17 **THE COURT:** Okay. This means that you
18 would like to plead guilty while at the same
19 time maintaining your innocence because you
20 have knowingly, intelligently and voluntarily
21 concluded that it is in your best interest to
22 plead guilty. Do you understand what I just
23 explained to you?

24 **DEFENDANT HUGHEY:** Yes, sir.

25 **THE COURT:** And would you like to plead

1 guilty under an Alford plea while at the same
2 time maintaining your innocence because you
3 have knowingly, intelligently and voluntarily
4 concluded that it is in your best interest to
5 plead guilty? Is that correct?

6 **DEFENDANT HUGHEY:** Yes. Correct.

7 **THE COURT:** Okay. And while you are not
8 admitting to committing this offense, you are
9 telling the Court that you recognize and agree
10 that the State of Mississippi has proof which
11 if presented to a jury in the trial of this
12 case would warrant a finding, a jury finding
13 you guilty of that offense; is that correct?

14 **DEFENDANT HUGHEY:** Yes.

15 **MR. WAIDE:** Your Honor, to be precise, we
16 believe it's highly possible and possibly
17 probable that the jury would find him guilty.

18 **THE COURT:** Okay. Are you currently under
19 the influence of alcohol, drugs or any other
20 substance that might impair or affect your
21 ability to understand what's going on here
22 today?

23 **DEFENDANT HUGHEY:** No.

24 **THE COURT:** Do you suffer from any
25 disability, physical, mental or otherwise that

1 might impair or affect your ability to
2 understand what's going on here today?

3 **DEFENDANT HUGHEY:** Yes.

4 **MR. WAIDE:** Yeah. Your Honor, I think I
5 need to make this clear for the record.

6 **THE COURT:** Okay.

7 **MR. WAIDE:** His medical records indicate
8 that he's a chronic alcoholic, over two
9 decades, and that he also suffers from periodic
10 high ammonia levels which amounts to poisoning
11 in his blood in which he becomes incoherent and
12 basically doesn't know where he is or what he's
13 doing. Any amount of stress from whatever
14 source can bring that on.

15 So he's in a stressful environment right
16 now and he is more incoherent right now than he
17 was say when he was not under the pressure in
18 my office yesterday.

19 **THE COURT:** Okay.

20 **MR. WAIDE:** But he suffers from some
21 incoherence, which would have gone to our
22 defense but very well may have been rejected by
23 the jury.

24 **THE COURT:** Okay.

25 **MR. WAIDE:** But it would be malpractice,

1 in my opinion, for me to advise him to go to
2 trial knowing that he was caught in this lady's
3 house and was physically there and knowing also
4 there would be medical testimony that his
5 episodes that he experiences are quite possibly
6 the result of liver disease which has developed
7 over many years and which is related to his
8 alcohol use.

9 **THE COURT:** Given the circumstances you
10 just described, are you able -- is he able to
11 understand what we're going through today?

12 **MR. WAIDE:** He understands, Your Honor.
13 I'm satisfied that he understands that by
14 entering this Alford plea he avoids going to
15 jail.

16 **THE COURT:** Okay.

17 **MR. WAIDE:** And that if he doesn't enter
18 it the Court has no alternative but to sentence
19 him to a minimum of three years imprisonment if
20 he's convicted. That's what he understands.

21 **THE COURT:** Okay.

22 **MR. WAIDE:** And his consistent report or
23 statement to me is that he does not want to go
24 to jail, as is his conservator, who is
25 extremely intelligent and thorough and has gone

1 through all his medical records as well.

2 **THE COURT:** Okay. Mr. Hughey, you've
3 heard that, your attorney?

4 **DEFENDANT HUGHEY:** (Nodding head up and
5 down.)

6 **THE COURT:** And is that correct?

7 **DEFENDANT HUGHEY:** Yeah.

8 **THE COURT:** Okay.

9 **MR. WAGES:** And, Your Honor, if I could
10 add, we spoke with Dr. McMichael last week.
11 Dr. McMichael, we would suggest stated that the
12 Defendant has no mental defect that would
13 impair him going forward in trial or
14 understanding the nature and circumstances of
15 these proceedings.

16 **THE COURT:** Okay. All right. Now,
17 Mr. Hughey, back to my question about has
18 anyone promised you anything, whether it's
19 money, reward, a lighter sentence or any other
20 kind of inducement to try to force you or
21 convince you or persuade you to plead guilty
22 today?

23 **DEFENDANT HUGHEY:** Nuh-uh, no.

24 **THE COURT:** Okay. Has anyone threatened
25 you, intimidated you, coerced you or otherwise

1 forced you to plead guilty today?

2 **DEFENDANT HUGHEY:** No.

3 **THE COURT:** All right. And if the Court
4 accepts your guilty plea today, this crime will
5 go on your record as a felony.

6 You need to understand in Mississippi, we
7 have a law called the Habitual Offender Act,
8 also known as the Three Strikes Law or the
9 Three Times Loser Law. There are similar laws
10 in many other states. Under this law, if you
11 are charged with a third or subsequent felony
12 in your lifetime, if you're indicted as a
13 habitual offender and then convicted and the
14 Court finds you are a habitual offender, you
15 would then be sentenced to serve every day of
16 your sentence day for day without the
17 possibility of early release, probation or
18 parole.

19 If one or more of those felonies is a
20 crime of violence and you're indicted and
21 convicted as a habitual offender, you would
22 then be sentenced to serve the rest of your
23 life as a habitual offender in the state
24 penitentiary without the possibility of early
25 release, probation or parole. In other words,

1 for a third or subsequent felony, the
2 punishment can be enhanced or made much worse.
3 Do you understand what I just explained to you?

4 **DEFENDANT HUGHEY:** (Nodding head up and
5 down), yes.

6 **CONSERVATOR, MS. HUGHEY:** Yes.

7 **THE COURT:** Okay. The Court expects to
8 receive a recommendation from the district
9 attorney's office as to a sentence this Court
10 might impose in exchange for your plea of
11 guilty. I want to make sure you understand the
12 Court is not obligated or required to follow
13 the recommendation. If I accept your plea of
14 guilty, I can sentence you to whatever period
15 of time the law allows me to as long as it's
16 between the minimum and maximum sentence. Do
17 you understand what I've just explained to you?

18 **DEFENDANT HUGHEY:** Yes.

19 **THE COURT:** And you know that the maximum
20 sentence for the crime you're pleading guilty
21 to is 25 years and a \$10,000 fine and the
22 minimum sentence is three years. You
23 understand that?

24 **DEFENDANT HUGHEY:** Yes.

25 **THE COURT:** Okay. I've attempted to

1 question you thoroughly about your plea of
2 guilty, Mr. Hughey, to be satisfied you are
3 fully acquainted with your rights under the
4 authority of *Alford v. North Carolina*. Do you
5 still wish to plead guilty?

6 **DEFENDANT HUGHEY:** Yes.

7 **THE COURT:** The Court finds there's
8 sufficient factual basis to sustain the charge
9 in the indictment against the Defendant, James
10 Allen Hughey. The Court is of the opinion that
11 the Defendant is aware of the circumstances and
12 consequences of entering a plea of guilty. The
13 Court is of the further opinion and finds the
14 Defendant has freely, knowingly and voluntarily
15 offered his plea of guilty under the authority
16 of *Alford v. North Carolina*.

17 It's the observation of the Court that as
18 the Defendant stands before the bench he is
19 capable and competent to understand the nature
20 of the charges against him and that he
21 understands the consequences of his offer to
22 plead guilty. The Court having determined the
23 Defendant has freely, knowingly and voluntarily
24 done so accepts his plea of guilty under the
25 authority of *Alford v. North Carolina* and that

1 basis.

2 Does the State have a sentencing
3 recommendation? We'll recess and then take
4 this up in the main courtroom after I dismiss
5 the jury. Is that my understanding?

6 **MR. WAGES:** Yes, sir, Your Honor.

7 **THE COURT:** Okay. Anything further?

8 **MR. WAIDE:** I just need to get with the
9 D.A. on the sentencing recommendation.

10 **THE COURT:** Yeah, yeah.

11 **MR. WAIDE:** And it's my understanding that
12 there's going to be a victim impact statement
13 --

14 **THE COURT:** Correct.

15 **MR. WAIDE:** -- that she's going to make in
16 open court.

17 **THE COURT:** Yes.

18 **MR. WAIDE:** But not in the presence of the
19 jury?

20 **THE COURT:** I'm going to go out here and
21 dismiss the jury. Are we in agreement, the
22 State agrees on dismissing the jury?

23 **MR. WAGES:** Yes, Your Honor.

24 **THE COURT:** And from the Defendant?

25 **MR. WAIDE:** Let me think a moment.

1 **MR. WAGES:** The recommendation is in the
2 plea petition.

3 **THE COURT:** Yeah.

4 **MR. WAIDE:** Can we put the recommendation
5 on record?

6 **THE COURT:** Yeah, yeah. All right. We'll
7 have a formal recommendation but you can read
8 that.

9 **MR. WAGES:** Sure. Ten years in the
10 custody of the Mississippi Department of
11 Corrections with seven suspended, leaving three
12 to serve in the Intensive Supervision Program,
13 otherwise known as house arrest. During that
14 time, he should pay all court costs. There's
15 no fine. There's a \$150 D.A. assessment. Upon
16 his release from house arrest, he would be on
17 up to five years supervised probation. And,
18 Your Honor, as previously noted, the State
19 requests an opportunity either for a
20 presentencing hearing or a victim's impact
21 statement, ever how the Court wants to style
22 it.

23 **MR. WAIDE:** Let me just make a couple of
24 things. It's our understanding this is going
25 to be done today, not at some later time.

1 **MR. WAGES:** We would prefer to do it
2 today.

3 **MR. WAIDE:** And we also understand that
4 the State won't have any objection including in
5 the order that he can leave the state for
6 medical purposes and we can include that in the
7 Court's order in case he gets a hard time.

8 **MR. WAGES:** We have no objection.

9 **THE COURT:** Let me ask this question about
10 leaving the state. Do we have specific doctors
11 that we attend to right now?

12 **MR. WAIDE:** Answer that, please.

13 **THE COURT:** I'm asking the conservator.
14 And your name is?

15 **CONSERVATOR, MS. HUGHEY:** Karen.

16 **THE COURT:** Ms. Karen what?

17 **CONSERVATOR, MS. HUGHEY:** Hughey.

18 **THE COURT:** Ms. Hughey, okay, what are the
19 doctors that Mr. Hughey visits?

20 **CONSERVATOR, MS. HUGHEY:** Oh, gosh, he has
21 a whole lot.

22 **THE COURT:** Okay, if there's a lot of
23 them, but there's specific appointments that
24 you have to go to every -- different times of
25 the month?

1 **CONSERVATOR, MS. HUGHEY:** The only one
2 that's going to be out of Ashland would be
3 Corinth.

4 **THE COURT:** Okay. That's in the state.
5 But I'm talking about Memphis particularly.

6 **DEFENDANT HUGHEY:** That's only if he has
7 to go for certain testing, when he has --
8 that's whenever a certain doctor will order
9 that.

10 **THE COURT:** Where is the testing? What
11 facility? Hospital?

12 **CONSERVATOR, MS. HUGHEY:** No. It's not a
13 hospital. It's just a doctor's office there.

14 **THE COURT:** Okay. So that's the only time
15 he has to go to Memphis?

16 **CONSERVATOR, MS. HUGHEY:** Yes, sir.

17 **THE COURT:** All his other healthcare
18 providers are in the State of Mississippi?

19 **CONSERVATOR, MS. HUGHEY:** Yes, sir.

20 **MR. WAIDE:** One other thing. As I
21 understand, they live in Benton County and he
22 would report to the probation officer in
23 Ashland, correct?

24 **MR. WAGES:** Well, that's sort of out of
25 our hands.

1 **THE COURT:** Yeah, it is. But
2 traditionally, that's the case. I mean, we
3 can't speak to that because it turns over to
4 the authorities of the MDOC.

5 **MR. WAIDE:** Here's the issue though. She
6 works and the father who would have to take him
7 when she's at work is 88 years old.

8 **CONSERVATOR, MS. HUGHEY:** He can't
9 drive -- now, my father could drive in Ashland
10 because we only live like three miles from
11 there, so my dad could take him there.

12 **MR. WAIDE:** Could we put it in the order
13 and if they say they don't have to follow it,
14 we'll deal with it, that she can be --

15 **THE COURT:** I can do a 365-day right of
16 review and just review. I'll hold a 365-day
17 right of review over the sentencing order and
18 we'll revisit it if we have to deal with
19 probation.

20 **MR. WAGES:** To the extent the State has
21 any authority in dictating MDOC guidelines, we
22 will be happy to do so.

23 **THE COURT:** Yeah, exactly. Let me get
24 with --

25 **MR. WAIDE:** We understood he reports to

1 the county where you live.

2 **THE COURT:** Okay.

3 (BRIEF PAUSE FOR THE COURT TO CONFER WITH MDOC
4 OFFICER.)

5 **THE COURT:** Janice, who is right next
6 door.

7 **MR. WAGES:** Probably.

8 **THE COURT:** Janice Fortner.

9 **MR. WAGES:** She'll probably do the intake,
10 Judge, but Brad Benton is the house arrest
11 officer.

12 **MR. WAIDE:** Are you saying she's here
13 today?

14 **THE COURT:** Yeah, yeah. So y'all can talk
15 to her about the specifics.

16 **MR. WAIDE:** We can talk to her.

17 **THE COURT:** Although your house arrest --

18 **MR. WAGES:** Brad Benton.

19 **THE COURT:** Brad Benton, yeah. Actually,
20 he'll be reporting because it's house arrest.

21 **MR. WAGES:** Right. But since Janice is
22 here, she may be able to do the intake.

23 **THE COURT:** She may be able to give them
24 more information than we have.

25 **MR. MOSS:** And tell them when to report.

1 **MR. WAIDE:** Excuse me. He'll only end up
2 seeing one probation officer?

3 **MR. WAGES:** Right. But, I mean, she's
4 here to get the initial paperwork started and
5 she'll give him a time to meet with Brad
6 Benton. It won't be today, it will be a later
7 day to get him in for all the monitoring and
8 all that stuff.

9 **CONSERVATOR, MS. HUGHEY:** So he won't have
10 to see two people?

11 **THE COURT:** No, no.

12 **MR. WAGES:** See Brad Benton.

13 **THE COURT:** But I'll keep a 365-day -- I
14 do that as a matter of course, keep a 365-day
15 right of review to make sure this works out.

16 **MR. WAIDE:** I see.

17 **THE COURT:** All right.

18 **MR. WAIDE:** All right. So after you
19 excuse the jury, we're going out?

20 **THE COURT:** Yeah. Or I can go ahead and
21 do this and make the victim's impact statement,
22 just give him the sentencing and then have the
23 victim's impact statement afterwards.

24 **MR. WAGES:** That's fine with the State.

25 **THE COURT:** All right. Mr. Hughey, in

1 exchange for your plea of guilty, the Court is
2 going to accept the State's sentencing
3 recommendation which will be included in your
4 sentencing order and judgement. The Court
5 hereby sentences you to ten years in the
6 custody of the Mississippi Department of
7 Corrections, with the execution of seven years
8 suspended, leaving three years to serve, which
9 will be served on house arrest, also known as
10 the Intensive Supervision Program with the
11 Mississippi Department of Corrections. Upon
12 your release from house arrest, you'll be
13 placed on five years of post-release
14 supervision. You'll have to report to a
15 probation officer and abide by the terms and
16 conditions of that probation. You'll be
17 ordered to pay court costs, no fine, and \$150
18 district attorney's assessment. Totals
19 estimate -- well, they'll figure that out, the
20 clerk will figure out the total estimated.

21 Additionally, the Court will place in the
22 order that you are allowed to visit for testing
23 purposes Memphis, Tennessee, to conduct those
24 tests and the additional order that we were
25 going to put in there about the phone.

1 **MR. MOSS:** Your Honor, I gave Mr. Mueller
2 Karen's number and their father's number. She
3 also provided me with the mother's number, but
4 he was going to definitely put Ms. Hughey and,
5 I think, James' father's number in the order so
6 that the probation could call them if they
7 couldn't get ahold of Mr. Hughey.

8 **CONSERVATOR, MS. HUGHEY:** Yeah. Because
9 when I work, I can't answer my phone at work,
10 But my father is able to answer.

11 **THE COURT:** Does he have a landline or
12 mobile phone?

13 **CONSERVATOR, MS. HUGHEY:** They have both.
14 We're going to have to check the landline
15 though because a lot of people have been trying
16 to call it and it keeps saying the voice
17 mailbox is full and we don't have that. So,
18 we're going to have to contact AT&T.

19 **THE COURT:** Well, you can get probation to
20 work that out.

21 **MR. MOSS:** But Mr. Mueller was putting
22 that in the order, Your Honor.

23 **THE COURT:** Great.

24 **MR. MOSS:** I think that was the last item
25 of business.

1 **THE COURT:** Okay. So at this time, I'm
2 going dismiss the jury. Everybody agreeable
3 with that?

4 **MR. WAIDE:** Yes, sir.

5 **MR. WAGES:** Yes, sir.

6 **THE COURT:** Okay. And then we'll come
7 back and have the victim impact statement.

8 **MR. WAIDE:** And reconvene in the
9 courtroom?

10 **THE COURT:** Yeah. We'll reconvene in the
11 courtroom.

12 (AFTER A BRIEF PAUSE, THE PROCEEDING CONTINUED
13 AS FOLLOWS IN OPEN COURT:)

14 **THE COURT:** All right. Ladies and
15 Gentlemen, I appreciate your patience. Y'all
16 have been more than patient. These things
17 happen. You've got to understand it's always
18 fluid. But in this particular case, we were
19 ready to go to trial, but this matter has been
20 resolved.

21 And I want to tell you, I don't usually
22 have this time to tell y'all, and I'm going to
23 be very quick, I promise you, and then you can
24 be dismissed and head to lunch. My name is
25 Gray Tollison. I serve as one of your circuit

1 judges and I am -- you say I'm from Oxford, you
2 know, city boy. Well, my dad was born in Dry
3 Creek, Mississippi. And I saw somebody that
4 lives on County Road 600 and that's where he
5 was born. He was born in 1937, so a long time
6 ago. I can't tell you how many times I hear
7 stories we didn't have electricity, blah, blah,
8 blah, and it's true. But a lot of my people
9 are buried actually on the other side of Dry
10 Creek in Prentiss County, Jumpertown. Is it
11 Methodist or Baptist, the church right there as
12 you cross the county line?

13 I know there's a Jumper in here. I'm
14 related to Jumpers, Hodges, Davises and
15 Tollisons, obviously. I think my dad's first
16 cousin just got elected over in Prentiss County
17 for supervisor.

18 But Gray Tollison, I've got good news for
19 you. You don't have to come back in. You are
20 hereby dismissed. They'll send you a check.
21 It will be in the mail in a couple of weeks for
22 your mileage or for your per diem today.

23 Okay. Leave the fan on the table, on the
24 bench?

25 **THE DEPUTY CLERK:** On the bench.

1 **THE COURT:** Leave your fan on the bench.
2 You're hereby dismissed. Have a good day.
3 Thank you so much.

4 (BRIEF PAUSE TO DISMISS JURY VENIRE.)

5 **THE COURT:** Let me just state for the
6 record, we're back on record in *State v. James*
7 *Allen Hughey*. We've called a jury in. The
8 parties were able to resolve this and get a
9 plea agreement and we took a plea agreement
10 from Mr. Hughey in chambers with the
11 recommendation of the State on the sentence and
12 so we are currently -- we dismissed the jury,
13 the Court dismissed the jury and now we're back
14 in the courtroom and I'll recognize the State
15 as we proceed.

16 **MR. WAGES:** Thank you, Your Honor. May I
17 proceed?

18 **THE COURT:** Yes, sir.

19 **MR. WAGES:** We'd call Amanda Mason, Your
20 Honor.

21 **THE COURT:** All right. Ms. Mason, you can
22 come forward. At this point, we're going to
23 have a victim's impact statement in this
24 matter. You can make a statement from the
25 podium or --

1 **MS. MASON:** Oh, okay. It doesn't matter.

2 **MR. WAGES:** Whatever you want to do.

3 **MS. MASON:** Okay. I'll just stand right
4 here. I'll speak directly to you. The day
5 that you came in my house, you did not know
6 where you were at. You did not know me. As a
7 matter of fact, when I asked you, I said, "Who
8 are you, why are you in my house, get out of my
9 house", you said, "Who are you". You did not
10 know who I was. You did not know where you
11 were at.

12 I don't know why you were in my house, but
13 you have caused my family a lot of trauma. Me,
14 you scared me and my dad to death. My dad who
15 is now deceased, scared him to death
16 completely. He couldn't even get up out of his
17 chair because he'd already been ran over so he
18 couldn't get up to help me. You then try to
19 bust back in my house. When you couldn't get
20 in that way, you come around and try to bust
21 through the window. I don't know why you were
22 there, but you caused me a lot, a lot of
23 trauma. Not only mine, my ex-husband and his
24 family.

25 All the lies that you have told, all the

1 lies that your family has told, you know that
2 you don't know me. I don't know you. You
3 might know my other two sisters, but there's
4 three of us, not two. There's three of us. Do
5 you know me? No. No, you do not know me.
6 I've never met you before. I have never met
7 you before.

8 But I just want you to know that you have
9 caused a lot -- my daughter still, 18 years
10 old, gets up in the middle of the night to make
11 sure the doors are locked at 18. She was 11,
12 12 years old when this happened.

13 Whatever happens, I pray that you do not
14 get to go anywhere else, do this to anybody
15 else, break into anybody else's home like you
16 did mine.

17 I'm standing up here shaking. I have not
18 seen you, I have not seen your family around
19 because I don't know who your family is. I do
20 not know y'all. My sister Brandi, my sister
21 Colleen might know you, but I don't know you.

22 And as far as you coming over there
23 wanting to see my father after he -- that was
24 all, all the lies that you told, you even --
25 the news, you brought it to the news, told all

1 the lies to -- and it's ridiculous, ridiculous
2 what my family went through, what my
3 ex-husband's family went through. I just pray,
4 I pray for you. I pray for your family. I
5 pray that this -- that you just never do this
6 again, never do this to anybody else. It was
7 wrong. You know it was wrong. I don't know
8 why you were there, but you know that it was
9 the wrong thing to do. I'm done.

10 **THE COURT:** Thank you, Ms. Mason.
11 Anything further from the State on any other
12 matter?

13 **MR. WAGES:** No, Your Honor.

14 **THE COURT:** All right. Anything from the
15 Defendant's counsel?

16 **MR. WAIDE:** No, sir. We don't have
17 anything to say. We think under the rules
18 she's entitled to say whatever she wants to.

19 **THE COURT:** All right. So now you're
20 going to present a sentencing order?

21 **MR. MUELLER:** I've sent it to Ms.
22 Benefield.

23 **THE COURT:** Okay. So at this time, we'll
24 stand adjourned.

25 * * * COURT ADJOURNED * * *

CERTIFICATE OF COURT REPORTER

STATE OF MISSISSIPPI

COUNTY OF TIPPAAH

I, Kathy C. Bruce, BCR, CRR #1168, one of the Official Court Reporters for the Third Circuit Court of the State of Mississippi, do hereby certify that to the best of my skill and ability I have reported the proceedings had and done in the GUILTY PLEA of *STATE OF MISSISSIPPI v. JAMES ALLEN HUGHEY*, being No. TK2017-163 on the docket of the First Judicial Circuit Court of Tippah County, Mississippi, and that the foregoing 38 pages contain a true, full and accurate record of my stenographic notes taken in said proceeding.

I do further certify that my certificate annexed hereto applies only to the original and certified transcript. The undersigned assumes no responsibility for the accuracy of any reproduced copies not made under my control or supervision.

This the 5th day of October, 2023.

/s/ Kathy C Bruce

KATHY C. BRUCE

(SEAL)

My Commission Expires:
March 6, 2026